

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5111 of 1983

Date of decision: 14-7-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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CORONATION RICE MILL

Versus

UNION OF INDIA  
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Appearance:

MR MC BHATT for Petitioner  
None present for Respondent No. 1  
Ms. P. S. Patel for Respondent No. 3, 4  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/07/97

## ORAL JUDGEMENT

The petitioner prayed for quashing and setting aside letter annexure-Z3 dated 26-4-1983 of the Under Secretary to Government of India, Ministry of Food and Civil Supplies, Department of Food, New Delhi. The petitioner made request to respondent No.1 for regularisation of his roller flour mill. Under the impugned order/ letter dated 26th April, 1983 respondent No.1 has declined to grant the prayer of the petitioner on the ground that the petitioner had not been granted any permission by the State Government or the Central Government for setting up wheat roller flour mill. The petitioner prayed for grant of permission for conversion of rice mill into wheat roller flour mill or to regularise the unit of wheat roller flour mill. Learned counsel for the petitioner fairly conceded that the State of Gujarat or the Central Government has not granted any permission to the petitioner for setting up wheat roller flour mill. However, what the petitioner's counsel contents is that direction may be given to respondent No.1 to consider the request of the petitioner.

2. In this petition the only short question to be considered is whether the order annexure-Z3 dated 26th April, 1983 of respondent No.1 is correct or not. When the petitioner has not been granted at any stage permission by the Government of Gujarat or the Central Government for setting up wheat roller flour mill, then setting up of wheat roller flour mill by the petitioner or conversion of its rice mill into wheat roller flour mill was illegal. The petitioner has taken the law in its own hand and converted the rice mill into wheat roller flour mill. In view of the fact that the petitioner itself has illegally converted the rice mill into wheat roller flour mill, I do not find any illegality or arbitrariness in the action of respondent No.1 in declining to regularise the unit of the petitioner as wheat roller flour mill.

3. In the result this special civil application fails and the same is dismissed. Rule discharged.

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